

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

QUICK POINT, INC.,

Plaintiff,

vs.

EXCEL ENGINEERING, INC.,

d/b/a Prime Concepts, Inc.,

Defendant.

Case No. 4:08CV00797 ERW

ORDER

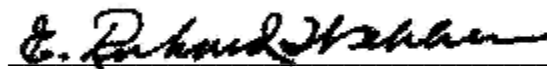
This matter is before the Court upon the Report and Recommendation of United States Magistrate Judge David D. Noce [doc. #20], pursuant to 28 U.S.C. § 636(b).

The Court notes that no objections were filed to the Report and Recommendation within the time period afforded by Magistrate Judge Noce in his Report and Recommendation. The Court has considered the Report and Recommendation and hereby sustains, adopts and incorporates herein the Magistrate's Report and Recommendation in its entirety. Defendant Excel Engineering, Inc.'s Motion to Dismiss is denied.

Accordingly,

IT IS HEREBY ORDERED that Defendant Excel Engineering, Inc.'s Motion to Dismiss for Lack of Jurisdiction and Improper Venue, or Alternatively to Transfer [doc. #13] is **DENIED**.

Dated this 9th Day of February, 2009.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE